



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

March 24, 2000

Richard M. Gabrys, Treasurer
Touma for Congress
630 West Breckenridge Street
Ferndale, MI 48220

RE: MUR 4921
Touma for Congress
Richard M. Gabrys, as treasurer

Dear Mr. Gabrys:

On March 8, 2000, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

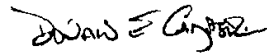
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Richard M. Gabrys
MUR 4921
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Enclosed you will find a copy of the fully executed conciliation agreement for your files. The first payment on the civil penalty has been received. Please note that beginning on April 1, 2000, each successive installment of the civil penalty is to be paid on the first day of the month in which it becomes due. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Donald E. Campbell
Paralegal Specialist

Enclosure
Conciliation Agreement

cc: Leslie Touma (with enclosure)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR: 4921
 Touma for Congress and)
 Richard M. Gabrys, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Touma for Congress and Richard M. Gabrys, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Touma for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Leslie Ann Touma's 1998 congressional campaign.

2. Richard M. Gabrys is the treasurer of Touma for Congress.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Commission, as appropriate, and the Secretary of State of the

appropriate state, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* The notification of these contributions shall be in addition to all other reporting requirements.

2 U.S.C. § 434(a)(6)(B).

4. Among the contributions that Respondents received between October 15, 1998, and October 31, 1998, were twenty-five contributions of \$1,000 or more totaling \$31,500, for which Respondents did not submit 48 Hour Notices.

V. Respondents failed to report campaign contributions of \$1,000 or more received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand Dollars (\$4,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

- a. One initial payment of \$1,000 to be submitted with this signed agreement;
- b. Thereafter, beginning on April 1, 2000, six consecutive monthly payments of \$500 each, with each installment to be paid on the first day of the month in which it becomes due;
- c. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance

with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a *civil action for relief* in the United States District Court for the District of Columbia.


VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

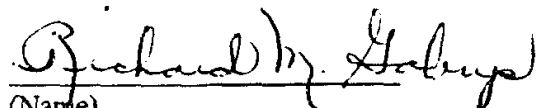
BY:


Lois G. Lerner
Associate General Counsel

Date

3/23/00

FOR THE RESPONDENTS:


(Name)
(Position) CAMPAIGN TREASURER

Date

February 16, 2000